IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 13563 of 2006(M)

PETITIONER:

DR.B.PARVATHY,
LECUTURER SENIOR SCALE IN MALAYALAM,
GOVT.BRENNAN COLLEGE,
THALASSERY.

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS:

1. STATE OF KERALA,
   REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVT.,
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
   'VIKAS BHAVAN', P.M.S.JUNCTION,
   THIRUVANANTHAPURAM.

3. THE ADDITIONAL DIRECTOR OF COLLEGIATE
   EDUCATION, CONVENER,
   SCREENING/SELECTION COMMITTEE,
   DEPARTMENT OF COLLEGIATE EDUCATION,
   THIRUVANANTHAPURAM.

4. THE ACCOUNTANT GENERAL (A & E),
   KERALA,
   P.B.NO.5607, M.G.ROAD,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI.T.T.MUHMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 13563/06.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE ORDER DTD.29.1.93 BY R2.

P2. COPY OF THE ORDER DTD.19.9.00 BY R3.

P3. COPY OF THE LETTER DTD.5.2.01 BY R4.

P4. COPY OF THE REPRESENTATION TO R1.

P5. COPY OF THE ORDER DTD.30.10.01 BY R3.

P6. COPY OF THE CIRCULAR DTD.14.10.91 BY R2.

P7. COPY OF THE GOVT. ORDER DTD.24.12.96 BY R1.

P8. COPY OF THE JUDGMENT IN W.P.C.NO.17103/03 OF THIS COURT.

P9. COPY OF THE ORDER DTD.30.12.05 BY R3.

P10. COPY OF THE REPRESENTATION DTD.11.4.06 TO R2.

P11. COPY OF THE STATEMENT FILED FOR ACCOUNTANT GENERAL IN W.P.NO.17103/03.

P12. COPY OF THE GOVT. ORDER DTD.21.12.99.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.13563 of 2006

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Dated this the 23rd day of October, 2007

J U D G M E N T

After different spells of temporary service, the petitioner started regular service as Lecturer in Malayalam in Government college with effect from 30.9.1993. However, petitioner's claim for placement in senior scale taking into account the earlier broken periods of service was not considered favourably by the authorities. Although initially it was granted, later it was cancelled by Ext.P5 order. The petitioner challenges Ext.P5 order in this writ petition. According to the petitioner, her broken periods of service should also be taken into account for the purpose of computing the qualifying service for placement in senior scale.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. A learned Judge of this court has held in W.P(C).

No.18882/2005, that such broken periods of service are also liable to be reckoned for the purpose of placement in senior scale. I am inclined to follow that decision. Therefore, following that decision, I hold that the petitioner is entitled to have her broken periods of service also counted for the purpose of placement in senior scale. Of course this can only be on the basis of the Government orders prevalent at the relevant time. The learned Government Pleader has got a case that after G.O(P). No.171/99/H.Edn. dated 21.12.1999 only broken periods of service of one year or above can be considered for that purpose. But the right of the petitioner for placement arose before coming into force of the said Government order and therefore, the petitioner's entitlement has to be decided on the basis of the relevant Government order in force at that time, considering which only the above said writ petition was disposed of. Therefore, the 2nd respondent is directed to consider the matter in the light of the judgment of this court in W.P(C). No.18882/2005. Orders in this regard shall be passed within a period of one month from the date of receipt of a copy of this judgment. I make it clear that entitlement of the petitioner for

computation of his broken periods of service would only be under the old scheme, ie., placement after eight years.

The writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.